IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No. 79414-M of 2006

DATE OF DECISION: FEBRUARY 20, 2007

Jarnail Singh and another

...PETITIONERS

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.A.K.Khunger, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.B.B.S.Teji, Advocate,
for respondent No.2.

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The petitioners apprehending their arrest in a non-bailable offence in complaint case No.112-2 of 8.3.2004 \titled "Charno alias Charanjit Kaur Versus Jarnail Singh and others", under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties.

Counsel for the petitioners contends that the complainant was working in the fields of petitioner No.1 and when the cotton crop was stolen by her and she was caught red handed, the matter was reported to the Panchayat. Before the Panchayat, the complainant confessed her guilt and agreed to pay an amount of Rs.5000/- to petitioner No.1. Instead of making the said payment, it is submitted that the complainant made a false complaint to the Senior Superintendent of Police, Ferozepur on the allegations that the petitioners have committed the offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said complaint was investigated twice and the allegations were found to be false. Counsel further contends that even the District Attorney gave an opinion for initiating proceedings under Section 182 Cr.P.C. against the complainant. That recommendation is still pending consideration before the police. Subsequently, the complainant filed the

aforesaid complaint totally on false facts, which were found to be false by the police, by implicating all the family members.

Counsel for respondent No.2 contends that the allegations made in the instant complaint were not inquired into by the police, whereas in another complaint, the allegations were inquired into by the Senior Superintendent of Police and the same were found to be false. During the course of arguments, it has been stated that two complaints are pending against the petitioners and one complaint filed by the complainant was found to be false and the investigating officer has recommended for initiating proceedings under Section 182 Cr.P.C. against the complainant/respondent No.2.

Counsel for the petitioners contends that in terms of the interim order dated December 21, 2006, the petitioners have appeared before the trial court and furnished their regular bail bonds which have been accepted and attested and since then they are regularly appearing.

In view of the aforesaid facts and the facts stated in the interim order dated December 21, 2006, the same is made absolute.

February 20, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE